

**From:** Jenny Ellsworth  
**To:** Microsoft ATR  
**Date:** 1/23/02 11:21pm  
**Subject:** Microsoft Comments

As a remedy for Microsoft's abuse of monopolistic power, it would be better to forbid them to give their products to schools than to require it. I am an IT professional for the City of Newport Beach, and an important part of my job is computer training. I know, from observing users in our Microsoft-dominated environment, that exposure and training are the determining factors for a user's choice of software. Allowing Microsoft to monopolize the schoolchildren and future computer professionals of this country will only serve to ensure that they continue to monopolize the software industry in years to come.

In addition to serving Microsoft's business needs of the future, such so-called "charity" would cost them pennies to provide software to schools, and offer Microsoft both tax benefits and good public relations. Microsoft has in the past regarded the DOJ as giving them a mandate to monopolize the software industry, and this would be no different. Were they to provide cash, rather than software, to be used as the schools need to use it, that would be a great aid.

Allowing PC makers to install non-Microsoft software is not sufficient to enable competition. Microsoft must be made to separate the operating system from their other applications. Many users I know are at least somewhat confused about the difference between Windows, Office, and the Internet. This is the result of Microsoft's deliberately ambiguous naming conventions and the interaction between Microsoft products that cannot be matched by any other software manufacturer. I realize that dissociating their OS and other software is a tall order, but without such a move, competitors will not succeed.

Microsoft clearly believes that the DOJ and the State Attorneys General will not act against them. This has made them arrogant. They feel safe to act

in a non-competitive manner, bullying companies and extorting money from them. When Newport Beach's IT department invited their representative to help us be in compliance with their license agreements, the person from Microsoft spent most of his time threatening to audit us, telling us why piracy was bad, and often insulting us. To quote their representative when we produced our evidence of legitimate purchases, "That and a dollar will buy you a cup of coffee," and , "You know, we audit cities like you, and we win. Ask your city attorney; he will tell you it isn't worth it to fight us." Remember, we invited them to visit us. We asked for their help. They acted like bullies. Coercion through legal action is distasteful in a major corporation, but is illegal in a clear monopoly.

Microsoft must be made to clarify their licensing. Although we had paid for every single copy of Microsoft software, we, as intelligent computer professionals, couldn't understand the requirements well enough to comply with them. The licensing requirements are deliberately confusing and hard to comply with, and Microsoft knows that most companies will simply pay for more licenses, rather than try to fight them on an audit.

Please, do not allow Microsoft to infiltrate schools to increase their monopolistic power. Please, demand that Microsoft separate their OS from their other software. Please, require that Microsoft establish clear licensing that doesn't lead to entrapping customers.

These opinions represent my observations as an IT professional in an organization of over 400 people. The views do not necessarily represent those of the City of Newport Beach.

Jenny Ellsworth  
MIS Technical Services Specialist  
City of Newport Beach  
3300 Newport Blvd.  
Newport Beach, CA 92663